

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

FRENCH, Clive, Harry
Harrison Goddard Foote
Belgrave Hall
Belgrave Street
Leeds LS2 8DD
ROYAUME-UNI

Date of mailing (day/month/year)

27 November 2001 (27.11.01)

Applicant's or agent's file reference

P70919.WO

IMPORTANT NOTIFICATION

International application No.

PCT/GB00/01435

International filing date (day/month/year)

26 April 2000 (26.04.00)

1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

Name and Address

FRENCH, Clive, Harry
Harrison Goddard Foote
Fountain Precinct
Balm Green
Sheffield S1 1RZ
United Kingdom

State of Nationality

State of Residence

Telephone No.

00 44 113 241 2975

Facsimile No.

00 44 113 245 2715

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address

FRENCH, Clive, Harry
Harrison Goddard Foote
Belgrave Hall
Belgrave Street
Leeds LS2 8DD
United Kingdom

State of Nationality

State of Residence

Telephone No.

00 44 113 233 0100

Facsimile No.

00 44 113 233 0101

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☐ the designated Offices concerned
☐ the International Searching Authority ☒ the elected Offices concerned
☐ the International Preliminary Examining Authority ☐ other:The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Idhir BRITEL

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

FRENCH, Clive, Harry
Harrison Goddard Foote
Fountain Precinct
Balm Green
Sheffield S1 1RZ
ROYAUME-UNIDate of mailing (day/month/year)
01 December 2000 (01.12.00)Applicant's or agent's file reference
P70919.WO

IMPORTANT NOTIFICATION

International application No.
PCT/GB00/01435International filing date (day/month/year)
26 April 2000 (26.04.00)

1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

Name and Address

FRENCH, Clive, Harry
Dibb Lupton Alsop
Fountain Precinct
Balm Green
Sheffield S1 1RZ
United Kingdom

State of Nationality

State of Residence

Telephone No.

00 44 113 241 2975

Facsimile No.

00 44 113 245 2715

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address

FRENCH, Clive, Harry
Harrison Goddard Foote
Fountain Precinct
Balm Green
Sheffield S1 1RZ
United Kingdom

State of Nationality

State of Residence

Telephone No.

00 44 113 241 2975

Facsimile No.

00 44 113 245 2715

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office ☒ the designated Offices concerned
☐ the International Searching Authority ☐ the elected Offices concerned
☐ the International Preliminary Examining Authority ☐ other:The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Authorized officer

Christine Carrié

Facsimile No.: (41-22) 740.14.35

Telephone No.: (41-22) 338.83.38

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PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 05 January 2001 (05.01.01)	
International application No. PCT/GB00/01435	Applicant's or agent's file reference P70919.WO
International filing date (day/month/year) 26 April 2000 (26.04.00)	Priority date (day/month/year) 30 April 1999 (30.04.99)
Applicant COOLING, Geoffrey et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
29 November 2000 (29.11.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Olivia TEFY Telephone No.: (41-22) 338.83.38
---	---

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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

SANDERSON, Nigel, Paul
Harrison Goddard Foote
Tower House
Merrion Way
Leeds LS2 8PA
GRANDE BRETAGNE

26 JUL 2001 05 33

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

Date of mailing
(day/month/year)

24.07.2001

Applicant's or agent's file reference
NPS/P70919.WO

IMPORTANT NOTIFICATION

International application No.
PCT/GB00/01435

International filing date (day/month/year)
26/04/2000

Priority date (day/month/year)
30/04/1999

Applicant

BIRKBY'S PLASTICS LIMITED et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

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Name and mailing address of the IPEA/

European Patent Office
D-80298 Munich

Tel. +49 89 2399 - 0 Tx: 523656 epmu d

Fax: +49 89 2399 - 4465

Authorized officer

Reiff, U

Tel. +49 89 2399-8070



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NPS/P70919.WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/GB00/01435	International filing date (day/month/year) 26/04/2000	Priority date (day/month/year) 30/04/1999
International Patent Classification (IPC) or national classification and IPC B60K26/02		
Applicant BIRKBY'S PLASTICS LIMITED et al		

26 JUL 2001 16:59:58

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 9 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 29/11/2000	Date of completion of this report 24.07.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Rinchard, L Telephone No. +49 89 2399 8160



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/01435

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-23 as originally filed

Claims, No.:

1-26 as originally filed

Drawings, sheets:

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/01435

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 17,22,26.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

☐ restricted the claims.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/01435

- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
- ☐ not complied with for the following reasons:
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☒ all parts.
- ☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7,9-16,18-21,23-25
	No:	Claims	1-6,8
Inventive step (IS)	Yes:	Claims	-
	No:	Claims	1-16,18-21,23-25
Industrial applicability (IA)	Yes:	Claims	1-16,18-21,23-25
	No:	Claims	-

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/01435

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/01435

Re Item III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. Claims 17, 22 and 26 were still not examined, for the same reasons as those listed in the previous written opinion dated 31.01.2001. These reasons can also be found in section VII of the present international preliminary examination report.

Re Item IV Lack of unity of invention

1. The separate inventions are still:
 - A pedal control assembly device (claims 1 to 16 and 23 to 26), and
 - The use of a specific material to realise a pedal control assembly (claims 18 to 21).
2. They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the reason that the objects of those inventions are different.

Re Item V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

V.1. State of the art

1. Reference is made to the documents already mentioned in the previous written opinion:

D1: WO 97 30863 A
D2: US-A-5 567 759
D3: DE 195 21 821 C

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/01435

V.2. Novelty of independent claim 1

1. The document D1 after reconsideration of the arguments of the applicant in his reply letter of the 9.04.2001 is still regarded by the examiner as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):
 - a) a control pedal assembly including a frictional hysteresis providing part (abstract), which comprises:
 - b) a first friction surface mechanically linked to a control pedal arm (fig. 3, ref. 15c and 12);
 - c) a second friction surface mechanically linked to a mounting bracket of the control pedal assembly (fig. 1 and fig. 3, ref. 16);
 - d) a pivotally mounted friction surface member carrying one of the friction surfaces (fig. 3, ref. 12 and 13); and
 - e) a resilient member pivotally biasing the friction surface member about an axis, so as to resiliently bias the first and second friction surfaces into mutual contact over a contact region (fig. 3, ref. 15 and page 6, lines 32 to 35),
 - e) the first and second friction surfaces being so shaped that the area of the contact region increases as the pedal is depressed, and decreases as the pedal moves towards a rest position (page 7, lines 27 to 34).

The subject-matter of claim 1 does not yet differ from this known hysteresis-inducing pedal assembly. The subject-matter of claim 1 is still therefore not novel (Article 33(2) PCT).

V.3. Novelty of the subject-matters of dependent claims 2 to 6 and 8

1. The examiner is also still of the opinion that the subject-matters of dependent claims 2 to 6 and 8 are not novel (Article 33(2) PCT) because all their technical features are known in combination in document D1 (see fig. 1, ref. 1, 4, 11 and 13; page 7, lines 27 to 34; page 7, lines 4 to 7).

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/01435

V.4. Inventive step of the subject-matters of dependent claims 7, 9 to 13, 15 and 16

1. The problem to be solved by the present invention may therefore be regarded as to provide a pedal assembly able to resist variation in the position of the pedal due to bumps or shock, being easy to operate.
2. The subject-matter of claim 7 is per se not new since it is disclosed in document D3 (Fig. 1, ref. 2, 5a, 10, 12 and 13). Thus, dependent claim 7 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step.
3. The features of claims 9 to 12 are merely straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to make a lighter, cheaper and resistant pedal assembly (see also D2).
4. The subject-matters of dependent claims 13, 15 and 16 cannot be considered as involving an inventive step in the sense of the Article 33(3) PCT because the claimed technical features can be found in or inspired by document D2 (see abstract and column 6, lines 9 to 13).

V.5. Inventive step of the subject-matter of independent claims 14, 18 and 23

1. As far as claims 14, 18 and 23 can be understood (see also VIII), an inventive step assessment is hereby produced.
2. The features of claims 14, 18 and 23 are mostly described in document D2 as providing the necessary advantages requested in the realisation of a pedal assembly (moulding ability, stiffness, scratch resistance, and so on...) like the one therein claimed. The skilled person would therefore regard it as a normal design option to include this feature in the pedal assembly described in document D1 in order to solve the problem posed.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/01435

V.6. Inventive step of subject-matters of dependent claims 19 to 21, 24 and 25

1. The subject-matters of dependent claims 19 to 21, 24 and 25 cannot be considered as involving an inventive step in the sense of the Article 33(3) PCT because the claimed technical features can be found in or inspired by document D2 (see abstract and column 6, lines 9 to 13).

Re Item VII **Certain defects in the international application**

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D3 is not mentioned in the description, nor are these documents identified therein.
2. Claims 17, 22 and 26 contain references to the description or the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here. Furthermore, as the technical features they claimed are merely described in that way, they were not considered in this examination.

Re Item VIII **Certain observations on the international application**

VIII.1. Clarity

1. Claims 14, 17 and 23 are not supported by the description as required by Article 6 PCT, as their scope is broader than justified by the description and drawings. The reasons are that they are written in an independent form mentioning any pedal assembly and not especially the one described.
2. The vague and imprecise statement concerning the variations "within the scope of the invention" in the description on page 22, lines 24 to 28 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference NPS/P70919.WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB00/01435	International filing date (day/month/year) 26/04/2000	Priority date (day/month/year) 30/04/1999
International Patent Classification (IPC) or national classification and IPC B60K26/02		
Applicant BIRKBYS PLASTICS LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 9 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 29/11/2000	Date of completion of this report 24.07.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Rinchard, L Telephone No. +49 89 2399 8160 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/01435

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-23 as originally filed

Claims, No.:

1-26 as originally filed

Drawings, sheets:

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB00/01435

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 17,22,26.

because:

☐ the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has:

☐ restricted the claims.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/01435

- ☐ paid additional fees.
- ☐ paid additional fees under protest.
- ☒ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
- ☐ not complied with for the following reasons:
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☒ all parts.
- ☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7,9-16,18-21,23-25
	No:	Claims	1-6,8
Inventive step (IS)	Yes:	Claims	-
	No:	Claims	1-16,18-21,23-25
Industrial applicability (IA)	Yes:	Claims	1-16,18-21,23-25
	No:	Claims	-

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB00/01435

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/01435

Re Item III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. Claims 17, 22 and 26 were still not examined, for the same reasons as those listed in the previous written opinion dated 31.01.2001. These reasons can also be found in section VII of the present international preliminary examination report.

Re Item IV Lack of unity of invention

1. The separate inventions are still:
 - A pedal control assembly device (claims 1 to 16 and 23 to 26), and
 - The use of a specific material to realise a pedal control assembly (claims 18 to 21).
2. They are not so linked as to form a single general inventive concept (Rule 13.1 PCT) for the reason that the objects of those inventions are different.

Re Item V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

V.1. State of the art

1. Reference is made to the documents already mentioned in the previous written opinion:

D1: WO 97 30863 A
D2: US-A-5 567 759
D3: DE 195 21 821 C

V.2. Novelty of independent claim 1

1. The document D1 after reconsideration of the arguments of the applicant in his reply letter of the 9.04.2001 is still regarded by the examiner as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):
 - a) a control pedal assembly including a frictional hysteresis providing part (abstract), which comprises:
 - b) a first friction surface mechanically linked to a control pedal arm (fig. 3, ref. 15c and 12);
 - c) a second friction surface mechanically linked to a mounting bracket of the control pedal assembly (fig. 1 and fig. 3, ref. 16);
 - d) a pivotally mounted friction surface member carrying one of the friction surfaces (fig. 3, ref. 12 and 13); and
 - e) a resilient member pivotally biasing the friction surface member about an axis, so as to resiliently bias the first and second friction surfaces into mutual contact over a contact region (fig. 3, ref. 15 and page 6, lines 32 to 35),
 - e) the first and second friction surfaces being so shaped that the area or the contact region increases as the pedal is depressed, and decreases as the pedal moves towards a rest position (page 7, lines 27 to 34).

The subject-matter of claim 1 does not yet differ from this known hysteresis-inducing pedal assembly. The subject-matter of claim 1 is still therefore not novel (Article 33(2) PCT).

V.3. Novelty of the subject-matters of dependent claims 2 to 6 and 8

1. The examiner is also still of the opinion that the subject-matters of dependent claims 2 to 6 and 8 are not novel (Article 33(2) PCT) because all their technical features are known in combination in document D1 (see fig. 1, ref. 1, 4, 11 and 13; page 7, lines 27 to 34; page 7, lines 4 to 7).

**INTERNATIONAL PRELIMINARY
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International application No. PCT/GB00/01435

V.4. Inventive step of the subject-matters of dependent claims 7, 9 to 13, 15 and 16

1. The problem to be solved by the present invention may therefore be regarded as to provide a pedal assembly able to resist variation in the position of the pedal due to bumps or shock, being easy to operate.
2. The subject-matter of claim 7 is per se not new since it is disclosed in document D3 (Fig. 1, ref. 2, 5a, 10, 12 and 13). Thus, dependent claim 7 does not contain any features which, in combination with the features of any claim to which it refers, meet the requirements of the PCT in respect of inventive step.
3. The features of claims 9 to 12 are merely straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to make a lighter, cheaper and resistant pedal assembly (see also D2).
4. The subject-matters of dependent claims 13, 15 and 16 cannot be considered as involving an inventive step in the sense of the Article 33(3) PCT because the claimed technical features can be found in or inspired by document D2 (see abstract and column 6, lines 9 to 13).

V.5. Inventive step of the subject-matter of independent claims 14, 18 and 23

1. As far as claims 14, 18 and 23 can be understood (see also VIII), an inventive step assessment is hereby produced.
2. The features of claims 14, 18 and 23 are mostly described in document D2 as providing the necessary advantages requested in the realisation of a pedal assembly (moulding ability, stiffness, scratch resistance, and so on...) like the one therein claimed. The skilled person would therefore regard it as a normal design option to include this feature in the pedal assembly described in document D1 in order to solve the problem posed.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB00/01435

V.6. Inventive step of subject-matters of dependent claims 19 to 21, 24 and 25

1. The subject-matters of dependent claims 19 to 21, 24 and 25 cannot be considered as involving an inventive step in the sense of the Article 33(3) PCT because the claimed technical features can be found in or inspired by document D2 (see abstract and column 6, lines 9 to 13).

Re Item VII **Certain defects in the international application**

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 to D3 is not mentioned in the description, nor are these documents identified therein.
2. Claims 17, 22 and 26 contain references to the description or the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here. Furthermore, as the technical features they claimed are merely described in that way, they were not considered in this examination.

Re Item VIII **Certain observations on the international application**

VIII.1. Clarity

1. Claims 14, 17 and 23 are not supported by the description as required by Article 6 PCT, as their scope is broader than justified by the description and drawings. The reasons are that they are written in an independent form mentioning any pedal assembly and not especially the one described.
2. The vague and imprecise statement concerning the variations "within the scope of the invention" in the description on page 22, lines 24 to 28 implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference P70919.W0	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 00/ 01435	International filing date (day/month/year) 26/04/2000	(Earliest) Priority Date (day/month/year) 30/04/1999
Applicant BIRKBYS PLASTICS LIMITED		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 4 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☒ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

2

☐ None of the figures.

Bo: III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

A control pedal assembly (40) including a frictional hysteresis providing part comprises a first friction surface (52) mechanically linked to a control pedal arm (60); a second friction surface (54) mechanically linked to a mounting bracket (70) of the control pedal assembly; a friction surface member carrying one of the friction surfaces; and a resilient member biasing the first and second friction surfaces into mutual contact.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/01435

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 B60K26/02

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 B60K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 97 30863 A (ADWEST REARSBY LIMITED ;THOMAS SPENCER PETER (GB)) 28 August 1997 (1997-08-28) page 3, line 13 -page 4, line 13 abstract; figure 1	1-4,6,8
A	---	5,7
X	US 5 567 759 A (TANIGUCHI HIROSHI ET AL) 22 October 1996 (1996-10-22) column 2, line 21 -column 2, line 24 column 3, line 6 -column 3, line 13 column 4, line 34 -column 4, line 41 abstract	23
A	---	14,18,19
	--- -/-	



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

B document member of the same patent family

Date of the actual completion of the international search

8 August 2000

Date of mailing of the international search report

16/08/2000

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INTERNATIONAL SEARCH REPORT

International Application No

PCT/GB 99/01435

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 195 21 821 C (HELLA KG HUECK & CO) 12 December 1996 (1996-12-12) column 1, line 3 -column 1, line 26 column 1, line 44 -column 1, line 57 column 3, line 19 -column 3, line 22 abstract; figure 1	1-6
A	EP 0 838 362 A (PEUGEOT ;CITROEN SA (FR)) 29 April 1998 (1998-04-29) abstract; figures 1,2	1-5
A	US 5 868 040 A (PAPENHAGEN DIETER ET AL) 9 February 1999 (1999-02-09) abstract; figure 1	1-5

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 99/01435

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9730863 A	28-08-1997	EP 0837782 A	29-04-1998
US 5567759 A	22-10-1996	DE 69306194 D	09-01-1997
		DE 69306194 T	24-04-1997
		EP 0583132 A	16-02-1994
		JP 2695742 B	14-01-1998
		JP 6100753 A	12-04-1994
DE 19521821 C	12-12-1996	EP 0748713 A	18-12-1996
EP 0838362 A	29-04-1998	FR 2755071 A	30-04-1998
US 5868040 A	09-02-1999	DE 19514541 A	24-10-1996
		DE 59603604 D	16-12-1999
		EP 0738622 A	23-10-1996